App. F. IX-4

Previous References.
SSA 2-22 (15)
" 11-22 (c)

Later References.

1940.
(SSA)

File No. 509-40
Serial Nos. 1 + 2

PRESERVED

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. Two Five

Part B for July 21

SUBJECT.

Re: the inConsistency between Clauses C(i) and C (iii) of Article 52 of the M. S. R.

4673
1/41

Serial No.	
1	No. Dl. 3921-3S-8 of 40-41 dt 7-5-41 from the D.P.I asks for Clarification of an apparent Contradiction between S.2 c(i) & c(iii) of M.S.R.
	The D.P.I's Conclusion at 'A' in his letter that S.2 c iii M.S.R refers to Gazetted Officers is obviously Correct.
	c i. refers to non-gazetted officers
	c ii ,, both Gazetted & non gazetted officers.
	c iii ,, but As c ii would have refd to Gazetted officers only.
	Though, as the D.P.I himself admits, the Contradiction is but apparent, it seems desirable to clarify by inserting 'gazetted' before "Officers" in c. iii.
	Please see S & A. 2-22-15, which lends support to this view.
	The Comptr may also be Consulted on the desirability of Clarification, if req.
	26/5/41
	3 The remarks of the Comptroller may also be invited
	26/5
	It may not be necy to consult Comptr. There is no such inconsistency as raised by the D.P.I. c iii applies to Gaz Officers & Coming after c ii, this is made evident. Anyway this may be clarified further now.
	26/5
	A. Agd. as regards the existing inconsistency in the rules.

L.O. No. 86/B2
29.5.41.
B.11

COMPTROLLER'S OFFICE, BANGALORE
750/Sp
28 MAY 1941
NOTE—Contd. Sheet.
SPECIAL SECTION

29/5/41

To The Comptroller with compts

Interpretation of Clauses C i & C iii of Art. 52. M.S.R.

File No. of 194 . | General and Revenue Secretariat

No 769/Spl dated 30-6-41

Serial No.

U.O.No. 595/Pay dated, the 26th June 1941.

Returned with Compliments:-

Article 52(c)(iii) of M.S.R. is intended to save references to Government in all cases involving petty amounts of Rs.50/- and less. It may be taken to apply to all cases other than those mentioned under Sub Clause (i) or (ii). In respect of Non-gazetted officers Clause (i) permits receipt of honoraria from Cooperative Institutions only, while clause (iii) permits receipt of honoraria from other sources also. There may appear other doubtful cases in the view of audit as regards their eligibility to come under Clause (i). In such a case also Clause (iii) will be useful for cases involving not more than Rs.50/-. Thus there appears to be neither redudancy nor inconsistency between these two clauses. The existing rules may, therefore, continue unchanged.

FINANCIAL SECRETARY GOVT. OF MYSORE

Sub

A

The narration of this clause does not support this reading.

M. Virabhadra Rao

Comptroller.

R-R

A draft is proposed, to this D.P.I.

5/7/41

Can you suggest any possible instances of cases not covered by C (i), which may be covered by C (iii) — having in view that clause (C) relates to fees under clauses (a) & (b) viz., Books, & publishing them for sale & acceptance of

Serial No.

fees for News paper Contributions. Private tuitions, if any, etc.

8/7

Please put up G.F. 11-22-1 containing the G.O. No 7e 1181-230 G.F. d. 10.8.22 — on the basis of which this Appe Slip was issued

8/8/7

Please see G.F. 11-22-1

8/8/7

The statement A in connection note on previous page seems to be obviously ~~not~~ not acceptable. Clause (i) permits acceptances by Govt. servants not only of honoraria from Cooperative Societies but also of "fees offered by private persons or by public bodies."

It is possible, however, to ~~contemplate~~ visualise cases of non-fixed fees which may not be covered by clause (i), but may come under ii. The article 52 contemplates "fees from a private person, or private body, or a public body whose funds are not administered by Govt.", whereas under c (i) only "fees offered by private persons or public bodies & honoraria from Coop. Societies" are referred to. Fees from other private bodies are not included under c (i) — say from a private Company

NOTE—Contn. Sheet.

Serial No.

which will have to come under cl. iii.

Draft reply to D.P.I
is put up for consideration

12/7/41

Dfsr
Comptr's view restricting applicatn
of cl i-b honoraria from Co-operative
Societies only does not seem to be
quite correct. This is also clarified in ~~draft~~.
the draft reply which may be appd.

15/7/41

16.7.41

No H 4-19 9/8.7.41 to the D.P.I 2
stating that no clarification is necy.
Copy to Comptr.
Do the Estt Br in favour of retn of Returns.
A copy of the letter issued to the
Dir may kindly be sent to
the Estt Branch.

25/7/41

Estt. Br kindly to take in a copy
with file & return.
Copy taken & the file returned

26/7

Edn. New 92]

Sra 509-40-1

Postal Address:—POST BOX No. 8.
Tel. Address:—EDUCATION, Bangalore.

Department of Public Instruction.

Government of Mysore.

3612 Edn

GEN. & REV. SECR. 4673

No.D1-3921-358 of 40-41.

OFFICE OF THE DIRECTOR OF PUBLIC INSTRUCTION IN MYSORE,

ENCL.

Bangalore, dated.....17th May.....193 41.

FROM

E. G. McALPINE, ESQ., M.A., DIP. EDN., V.D., J.P.,
DIRECTOR OF PUBLIC INSTRUCTION IN MYSORE.
BANGALORE.

21 MAY 1941

To

GENERAL SECRETARY. 22 MAY 1941

J.Appaji Gowda, Esq., B.A. (Hons.),
General Secretary to the Government
of His Highness the Maharaja of Mysore,
Bangalore.

SIR,

Subject:- Regarding the inconsistency between clauses c (i) and c (iii) of Article 52 of the Mysore Service Regulations.

—

I have the honour to point out that there is an apparent inconsistency between clauses c(i) and c(iii) of Article 52 of the Mysore Service Regulations. Under c(i) Heads of Departments can sanction fees to non-gazetted officers upto any amount, but under c(iii) the same heads of Departments can sanction acceptance of fees only upto Rs.50/- by all officers under them. If it is the intention of Government that rule c(iii) should override c(i) in the case of non-gazetted officers, then there is no need for c(i) at all. If, on the other hand, the intention of c(iii) is to limit the amount that can be received to Rs.50/- in the case of gazetted officers only, it would be clearer if c(iii) was worded in that way, in order that no contradiction between c(i) and c(iii) in the case of non-gazetted officers may arise.

Kind reference is invited in this connection to this office letter of even No. and date with which a letter of the Deputy Commissioner and President, Municipal High School Committee (Holenarasipur), Hassan has been enclosed relating to a case which could have been brought, but

for the need for clarification, under Article 52 (c) (i) instead of (c) (iii) of the same Article of the Mysore Service Regulations.

I have the honour to be,

Sir,

Your most obedient servant,

E McCalfin, 9/5/41

Director.

c.. 17/5.

Appendix F G—1]

SUBJECT .....

.....

.....

Section G. & A.

File No. S'09-40.

Serial No. 2.

Diary No. of letter replied to.....

No. H. 449.

To The D. P. I.

General and Revenue Secretariat

( )

the *19* .

Sir,

Article 52, C(i), C(ii) & C(

of M.S.R.

Date of issue 18.7.41

Signed by Asst Regr

With reference to your letter

No. D1-3921-38 of 40-4

dt 17.8.41, I am directed

to say that Clause C(i)

authorises the Heads of Depts

& Sanctions the acceptance of

by non-Gazetted officers

fees upto any amount, not

~~from all persons, but~~ only

the persons

from those specified therein, viz

from Private persons, or public bodies a

~~& of~~ honoraria from Co-operative

Societies.

List of enclosures .....

Copied by .....

Examined by .....

C iii is intended to save references to certain other types of Cases involving petty amounts of Rs. 50 & less. It may be taken to apply to all Cases other than those mentioned under C i and C ii. e.g. to Cases those covered by Gazetted officers in Cases other than in C ii and to non-gazetted officers in Cases other than those covered by C i. ~~The limit of Rs 50 is for~~ all Gazetted officers and also for fees & honoraria to N.G. as from sources different from those mentioned in C i.

It would thus be seen that there is no real overcrowding between C i & C iii and in this there no need for further clarification ~~is~~ arises.

Thanks.

AK 10/7/41

JLJ

JL 4.50 Ds 18/6/41 15/7/41 Dec

Copy & Compli with Secs to Mr. No

Note No ~~C.S.~~ S.95/Bii dy 26.6.41

AK
8/7

Letter No.449 dated 18th July 1941 from the Secretary to Government, Financial Department, to the Director of Public Instruction in Mysore, Bangalore.

Article 52, C i, C ii and C iii of M.S.R.

With reference to your letter no. Dl-3921-388 of 40-41 dat the 17th May 1941, I am directed to say that clause Ci autorised the Heads of Departments to sanction the acceptance of fees by non-gazetted officers up to any amount only from the sources specified therein, viz., from ~~vi~~ private persons or public bodies and honoraria from Co-operatice Societies. C iii is intended to save references to Government in certain other types of cases involving petty amounts of Rs.50/- and less. It may be taken to apply to all cases other than those mentioned under c i and c ii., to gazetted officers in cases other than those covered by c ii and to non-gazetted officers in cases other than those covered by c i.

It would thus be seen that there is no real inconsisten between c i and c iii and in this view no need for further clarification arises.

C o p y.